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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1, 5-9, 13-17, 21-26, 28-31 and 33-34 are pending. Claims 1, 5-9, 13-17, 21-26, 28-31 and 33-34 have been rejected. Claims 1, 5-7, 9, 13, 17, 24, 26, 31, 33 and 34 have been amended.

Applicant respectfully asserts that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1, 5-9, 13-17, 21-26, 28-31 and 33-34 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 5-9, 13, 15, 17, 24, 26, 28, 31, 33 and 34 have been amended. These amendments to the claims overcome the 35 U.S.C. § 112, first paragraph rejections. Specifically, independent claims 1, 9, 17, 24 and 31 have been amended with some adjustments to each independent claim to read as follows: "...request includes a ~~multicast address~~ an address for the source of information and a quality of service attribute for receiving the information..." (See, e.g., paragraph [018] of the Application as published).

The response limitation has been removed from claims 1, 24 and 31.

In addition, in the Office Action, the Examiner rejected claims 1, 5-9, 13-17, 21-26, 28-31 and 33-34 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to

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particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5-9, 13, 15, 17, 24, 26, 28, 31, 33 and 34 have been amended. Applicant submits that the amendment to the claims overcome the rejections.

Applicant respectfully asserts that these amendments render claims 1, 5-9, 13-17, 21-26, 28-31 and 33-34 proper under 35 USC 112 and request that the 35 USC 112 rejections be withdrawn.

Benveniste (US 2005/0152324)

Applicant's Application was filed on March 29, 2004. Benveniste, cited by the Examiner, has a filing date of January 12, 2005 and claims priority from Provisional Application No. 60/534,537 filed on January 12, 2004 and Provisional Application No. 60/563,803 filed on April 21, 2004. Applicant respectfully asserts that only the teaching of Provisional Application No. 60/563,803 (filed April 21, 2004) are used by the Examiner in the rejection discussed below.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 5, 7-9, 13-15, 17, 22-26, 28-31, 33 and 34 under 35 U.S.C. § 103(a), as being unpatentable over Pecen (US 2005/0083961) in view of Benveniste (US 2005/0152324) and further in view of Pung et al. (US 2002/0150099). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

It is well established that obviousness requires a teaching or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142).

Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Pecen in the view of Benveniste and further view of Pung does not meet the requirements of an obvious rejection because the combination of the references does not disclose or suggest at least the claim element of "... receiving from two or more client devices a request for delivery of application data packets, wherein the request includes an address for the source of information and a quality of service attribute for receiving the information" (See, Abstract, Fig. 2, and Paragraphs [017]-[020] of the

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Application as published) and "...updating said multicast schedule or creating a new multicast schedule which coordinates the multicast delivery with a power saving protocol of each client device so that the client device will be awake when the multicast delivery of application data packet occurs" (See Abstract, Fig. 2, Paragraphs [017]-[020]), as recited in amended independent claim 1.

Furthermore, Applicant respectfully asserts that Pecen discloses transmitting, receiving and setting multicast schedule in cellular systems which do not have a power saving scheme. Benveniste discloses a power saving scheme in WLAN not having multicast schedule. Thus, Applicant respectfully asserts that the combination of Pecen and Benvensite does not disclose, hint or suggest a "... multicast schedule which coordinates the multicast delivery with a power saving protocol of each client device" as recited in amended claim 1.

Each of claims 5, 7 and 8 depends from claim 1, thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 5, 7 and 8 are similarly patentable over the cited references by virtue of at least such dependency.

The combination Pecen in the view of Benveniste and further view of Pung does not meet the requirements of an obvious rejection for claim 9 as amended because none of the references discloses or suggests at least the claim element of "...the request including an address for the source of an information and a desired quality of service attribute for receiving the informationcoordinating a power saving protocol of said client device to accommodate the scheduled delivery of the information to awake state based on a multicast schedule", as claimed in amended independent claim 9.

Each of claims 13-15 depends from claim 9, thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 13-15 are similarly patentable over the cited references by virtue of at least such dependency.

Applicant respectfully submits that the combination of Pecen in the view of Benveniste and further view of Pung does not meet the requirements of an obvious rejection of claim 17 as amended because none of the references discloses or suggests at least the claim element of "...a media access controller (MAC) operably coupled to the application requesting media to send a request including an address for the source of an information and a desired quality of service attribute for receiving the information, and to coordinate a power

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saving protocol of the wireless communication apparatus to accommodate the scheduled delivery of the information to an awake state of the wireless communication apparatus based on a multicast schedule...”, as claimed in amended independent claim 17.

Each of claims 22-23 depends from claim 17. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 22-23 are similarly patentable over the cited references by virtue of at least such dependency.

The combination of Pecen in the view of Benveniste and further view of Pung does not meet the requirements of an obvious rejection for independent claims 24 and 31 because none of the references discloses or suggests at least the claim element of “... receiv[ing] from two or more client devices a request for delivery of information, wherein the request includes an address for the source of an information and a quality of service attribute for receiving the information, to update said multicast schedule or to create a new multicast schedule which coordinates the multicast delivery of the information with a power saving protocol of each client device so that the client device will be awake when the multicast delivery of application data packet occurs ...”, as claimed in amended independent claims 24 and 31.

Each of claims 25-26 and 28-30 depends from claim 24, and each of claims 33-34 depends from claim 31. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 25-26, 28-30 and 33-34 are similarly patentable over the cited references by virtue of at least such dependency.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5, 7-9, 13-15, 17, 22-26, 28-31, 33 and 34 under 35 U.S.C. § 103(a), as being unpatentable over Pecen in the view of Benveniste and further view of Pung.

In addition, in the Office Action, the Examiner rejected claims 6, 16 and 21 under 35 U.S.C. § 103(a), as being unpatentable over Pecen (US 2005/0083961) in view of Benveniste (US 2005/0152324) and further in view of Pung et al. (US 2002/0150099) and further in view of Chuah et al. (US 7,096,039). Claim 6 depends from independent claim 1, claim 16 depends from independent claim 9 and claim 21 depends from independent claim 17. Chuah does not cure the deficiencies of Benveniste and Pung. Thus, in addition to any independent

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bases for patentability, Applicant respectfully submits that claims 6, 16 and 21 are similarly patentable over the cited references by virtue of at least such dependency.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 6, 16 and 21 under 35 U.S.C. § 103(a), as being unpatentable over Pecen in view of Benveniste and further in view of Pung and further in view of Chuah.

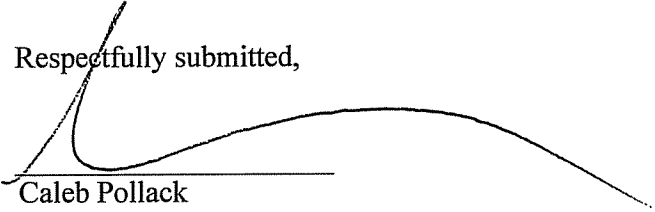
Conclusion

In view of the foregoing amendments and remarks, Applicant asserts that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

The fees for the RCE are being paid separately. No other fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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